IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 280 OF 2004

Ganpat C. Patil ..Appellant

versus

The Managing Director, Balasaheb
Desai Sahakari Sakhar Karkhana
Ltd. Satara & Ors. ..Respondents

Mr. N. A. Kulkarni for the Appellant.
Mr. L. M. Acharya for the Respondents No.1.

CORAM : D. G. DESHPANDE,J.

DATE : 31ST AUGUST,2005

ORAL ORDER :

1. Heard learned counsel for the Appellant and the Respondent No.1.

2. This matter arises out of an order passed by the Commissioner for Workmen's Compensation & Judge, Labour Court, Satara in W.C.A. No. 35 OF 1997. In fact the impugned order is about distribution of the amount deposited by the respondent No.1 to the claimants - heirs of the deceased. The appeal is however filed challenging the observations against

the present appellant. Counsel for the appellant states and the fact is not disputed that the appellant has a right to challenge the status of the deceased as his employee and therefore those finding should not come in his way. Since the appeal is filed only for the limited purpose, it is partly allowed and it is clarified that the observations made in the impugned judgment dated 25.7.2000 against the present appellant regarding the relationship between the present appellant and the deceased shall not come in the way of the appellant in any other proceedings which he chooses to file under the Workmen's Compensation Act, 1923. Appeal disposed of accordingly with Civil Application. No order as to costs.

31.8.2005 (D.G. DESHPANDE, J.)